

Application Serial No.: 10/602,650
Reply to Office Action dated September 8, 2004

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3, and 5 are presently active in this case, Claims 1, 3, and 5 having been amended and Claims 2 and 4 having been canceled without prejudice or disclaimer by way of the present Amendment.

The Official Action indicated that the listing of references in the specification is not a proper information disclosure statement. The Applicant notes that an Information Disclosure Statement listing all of the references discussed in the specification was submitted on September 12, 2003. A courtesy copy of the Information Disclosure Statement (IDS) filed on September 12, 2003, and a copy of the date-stamped postcard evidencing that the IDS was filed on that date is being provided concurrently herewith. The Applicant requests consideration of all of the references cited therein, and acknowledgement of such consideration.

In the outstanding Official Action, Claim 5 was objected to under 37 CFR 1.75(c) as being in improper multiple dependent form. Claim 5 has been amended to be in proper multiple dependent form. Accordingly, the Applicant requests the withdrawal of the objection to Claim 5.

Claims 1-4 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "or the like" has been deleted from the claims. Additionally, the various flaps recited in the claims have been clarified by reciting a "first flap" and a "second flap." Accordingly, the Applicant requests the withdrawal of the indefiniteness rejection.

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Claims 1 and 3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gottlieb (U.S. Patent No. 5,513,752). For the reasons discussed below, the Applicant requests the withdrawal of the obviousness rejection.

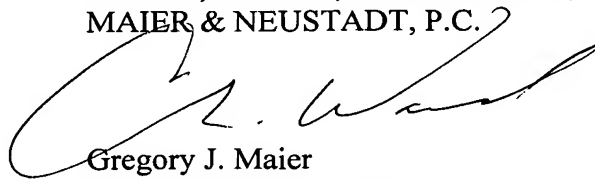
Claims 2 and 4 were indicated as being allowable if rewritten to overcome the indefiniteness rejections and if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. As noted above, the indefiniteness rejections have been overcome by the amendments set forth herein. Furthermore, the subject matter of Claim 2 has been incorporated into independent Claim 1, thereby rendering Claim 1 allowable.

Claims 3 and 5 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claim 1.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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